

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-196

December 23, 2002

KENNEBUNK LIGHT & POWER DISTRICT
Petition for Approval to Furnish and Extend
Retail Electric Service in the Entire Town of
Kennebunk

NOTICE OF PROPOSAL TO
MODIFY FOOTNOTE 3 OF
ORDER DENYING PETITION

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Notice we propose to modify the contents of footnote 3 of the Order Denying Petition issued in this case on October 3, 2002. Footnote 3 addresses several statutory provisions in Title 35-A that address issues concerning expansion of a utility's service area. 35-A M.R.S.A. §§ 2102 and 2105 require a utility to obtain approval of the Commission in order to provide service in a municipality in which another similar utility is already providing service or has the authority to do so. 35-A M.R.S.A. § 2110 appears to address a similar subject matter, but is limited to applications by "charter" utilities (those created by private and special law). Kennebunk Light and Power District (KLPD) is such a utility.

Upon further review of our statements in footnote 3, we believe that we may have mischaracterized the purpose and continuing utility of section 2110. Accordingly, we propose to revise the contents of the footnote. A copy of the footnote (and the relevant text to which the footnote is attached) is included with this Notice as Attachment A. The text is shown in "legislative format" or "redline" (proposed deletions have strike marks through them and proposed additions are underlined).

We issue this notice pursuant to 35-A M.R.S.A. § 1321, which states:

The commission may at any time rescind, alter or amend any order it has made including an order fixing any rate or rates, tolls, charges or schedules of a public utility or an order relating to matters within the jurisdiction of the commission with respect to a competitive service provider only if it gives the public utility or competitive service provider and all parties to the original proceeding, to the extent practical, written notice and after opportunity for those parties to present evidence or argument, as determined appropriate by the commission. Certified copies of amended orders must be served and take effect as provided for original orders. Nothing in this section is intended to grant to the commission authority to establish or approve the rates charged by competitive service providers.

Parties who wish to comment on the proposed modification shall file comments on or before December 18, 2002.

Dated at Augusta, Maine, this 23rd day of December, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond